

in all transactions of a business character, as for his benevolent affections. In this remark his modesty spoke, and only his modesty. He was emphatically *antiqua homo virtute ac fide*, and, moreover, a philanthropist in the truest sense of that word. Everything tending to the good of his kind, he was on all occasions, and particularly in cases of distress, zealous to forward, considering nothing as foreign to himself, as a man, which related to man. Consequently, he counted, as we have before said, many friends, and from the great purity and simplicity of his manners, few or no enemies, unless I may be allowed to call those enemies, who, without detracting from his merit openly, might yet from a jealousy of his superiority, be disposed to lessen it in private. An old author has said on this point, "men take an ill-natured pleasure in crossing our inclinations, and disappointing us in what our hearts are most set upon; when, therefore, they have discovered our ruling passion, they become sparing and reserved in their commendations, they envy the satisfaction of applause, and look on their praise rather as a kindness done to our person than as a tribute to our merit. Others, who are free from this natural perverseness of temper, grow wary in their praises of one who sets a value on them, lest they should raise him too high in his own imagination, and, by consequence, remove him to a greater distance from themselves."

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## CHAPTER V.

In 1824 when William Peyton returned from Yale he commenced, as has been previously said, reading for the bar. Though he gave sufficient time to this grave pursuit to pass for a young man of "steady habits," he mingled largely in polite society. His name was generally found at this period among those who frequented balls, theatres, and other amusements. Frequently in Richmond and Washington his box was well known at the opera. Considering his youth and high natural spirits, this was but reasonable, one of those things to be expected.

During an incidental visit to Washington a year or two later, when dining with General Jackson, who had been recently elected President, the following passage occurred between them. It must be remembered that with the election of "Old Hickory" in 1829, a new and by no means improved order of things was introduced into American politics. For the first time since the foundation of the Government and to the no small disgust of the President's best friends

and wisest counsellors, General Jackson announced his determination to be guided in all appointments to office by the maxim that "to the victors belong the spoils." Shortly, therefore, after his inauguration, he summarily discharged every political opponent who chanced to hold office. That reckless spirit which has since degraded American politics was thus introduced, and has been from that time to the present in the ascendancy. Shame has gradually perished; insolence and impudence prevail over justice, and possess the land. The purity of an earlier and better period of the Republic and their traditions are forgotten. Those days

"Once far famed,  
Where liberty and justice, hand in hand,  
Order'd the common weal; where great men grew  
Up to their natural eminence, and none  
Saving the wise, just, eloquent, were great;  
Where power was of God's gift, to whom he gave  
Supremacy of merit, the sole means  
And broad highway to power that ever then  
Was meritoriously administer'd,  
Whilst all the instruments from first to last,  
The tools of state for service high or low,  
Were chosen for their aptness to the ends  
Which virtue meditates."

At the President's dinner our father was present, being at the time a guest at the Executive mansion. He had been one of Jackson's supporters in the election, but, it must be said in justice to his memory, under a total misapprehension of the General's political character. No man detested and repudiated more heartily than did John Howe Peyton the corrupting doctrine with which Jackson commenced his official career, and he became so convinced in the progress of

events of its lowering and corrupting tendencies, that he forsook his party and joined the whigs. During the second term of General Jackson's administration, the control of the party passed into the hands of mere adventurers, *E fungis nati homines*. At this time (1831), however, our father was on the best terms with His Excellency, and was staying during a business visit to Washington, as he was in the habit of doing, at the White House. Some years previously General Jackson made the acquaintance of my brother, and conceived an especial liking for him. The liveliness, wit, and humour of the young man quickly captivated "old Hickory," who took a rare delight in his society and always treated him with marked attention. Few indeed could resist the charm of William Peyton's manner and conversation. In the course of the dinner, "old Hickory" expressed his astonishment at the numbers attracted to Washington in search of office. It must be borne in mind that at this early period in his administration, the President had not unfurled the pirate flag to which I have referred. Turning to his young friend he said jocosely :

"Well William, What office are you seeking?"

My brother replied at once with equal humour and with his customary animation :

"I do not aspire to any post, but if your Excellency confer an office upon me let it be one with a fat salary, where there is no work and less responsibility."

Old Hickory received this sally with hearty laughter, and said :

“My dear boy, I shall not forget you. We have too many such sinecures in Washington. It is all salary, no work, and as for responsibility it is expected that I shall assume this and by the Eternal I am not afraid to do so.”

The year following this visit to the capital, the important Federal office of attorney for the district of Western Virginia became vacant. This is no sinecure, and the President offered it to William Peyton. A most unusual distinction for one so young, and exhibiting in the strongest manner the unbounded confidence reposed in him by the Government. William hesitated to accept or to refuse the appointment. If he continued at the bar it was important that he should do the former. He was somewhat apprehensive, however, that his health might not permit him to perform its duties. He paused, therefore, before communicating with the Government on the subject. At this moment an appeal was made to his better nature. A young friend, Mr. Harrison, in straitened circumstances, who had with difficulty obtained an education, greatly desired the office. This gentleman was on the circuit, and gave promise of future usefulness, but was absolutely without political interest. He appealed to his friend William to refuse the position for his benefit. “You are rich,” said Mr. Harrison, “and have no need of the salary—your health is delicate, why undertake its drudgery—you have no particular taste for the law, why should you unnecessarily impose the heavy yoke of its labours upon yourself?” Mr. Harrison’s confidence in William’s

generosity was not misplaced. My brother, after Mr. H.'s earnest appeal, determined to decline the post, and recommended his friend's appointment to the President. If you have one friend, says the proverb, think yourself happy. Here was a friend indeed, a practical illustration of disinterested friendship. Yet there are people who calumniate poor human nature and speak of self sacrifice and true friendship as if it had no existence.

If it be true that no object is more pleasing to the eye than the sight of a man whom you have obliged, nor any music so agreeable to the ear as the voice of one that owns you for his benefactor, William Peyton must have gone through life cheered by pleasant sights and grateful sounds: never was there a man who so habitually lost sight of himself, who made more numerous sacrifices for his friends, nay even his mere acquaintances.

Shortly after he entered upon the practice of the law, when attending court at the warm springs, Bath Co., he mortified my father exceedingly by a piece of off-hand levity, which the latter regarded as a most undignified proceeding, unworthy of the profession. He was employed to defend a man charged with horse stealing, and, as there was only circumstantial evidence to prove his guilt, my brother, who was much exhilarated, for it must be remembered that the case came on after dinner, set up the defence that according to the principles of science, and of a new science likely to prove both useful and ornamental, it was impossible his client could be guilty. He then referred to and explained the theories of Gall

and Spurzheim, and declared that according to the phrenological bumps on the head of his client, theft was a crime he was incapable of committing. He argued with much gravity and ingenuity in this direction, amidst the suppressed giggling of the bar, to the great chagrin of my father, who was public prosecutor, and to the thorough mystification of the county court. This body was composed of country gentlemen unacquainted with law, and it was one of their boasts that they made up their decisions, not so much in accordance with the principles of common law, as of common sense. My brother went on, and drawing from his desk a copy of Combe's phrenology, illustrated with plates, exhibited it to the jury, and declared that at the point upon the pericranium of his client, where there should be a protuberance if he were capable of robbery, there was not the slightest development, and asked, what is the value of science, if we discarded its teachings? He then made an animated and eloquent appeal to the feelings of the jury, based upon the humane principle of the common law, that it is better that ninety-nine guilty men should escape, than that one innocent person should suffer, and, declaring his conviction of the prisoner's innocence, asked them to give him the benefit of every doubt, and lean to the side of mercy.

My father, in reply, was exceedingly severe in his comments upon the airiness of my brother, as inconsistent with the administration of justice and the dignity of his profession. He ridiculed Gall and Spurzheim's far-fetched theories, which he declared were not scientific

deductions, but only speculative opinions, and attempted to bring the whole defence into contempt, by referring to the human skeleton, saying, "If you run your eye down the spine it alights upon the *oscoccygis*." Neither the court nor the jury understanding what these words meant, but overcome by the ludicrous manner of my father, both burst into a hearty laugh. "Now," continued my father, "this *oscoccygis* is nothing more nor less than a rudimentary tail, as Lord Monbeddo has well said, and I suppose we shall soon have some modern philosopher startling the world again with the proposition that man once flourished a tail, but of which, the civilized use of a chair has, in process of time, deprived him." He continued somewhat in this style, "I mean nothing against philosophers nor tails, both are useful in their way. What would a cow do without her tail, especially on our fly-pestered prairies, or the Pampas of South America? What would a monkey do without this caudal appendage and its prehensile quality?—with him it takes the place of hands. And shall we have philosophers telling us that we received our hands when we lost our tails, and that the monkey lost the use of his hands because of his peculiar facility of using a tail? A beautiful science," said he, "is this phrenology, according to the theory of the learned counsel for the prisoner. To all standing in the unenviable position of his client, it will prove, if the learned gentleman be correct, not only a thing of beauty, but a source of comfort and a joy for ever. To the murderer, the thief, the burglar, the highway robber, to all in fact, who wish to be rid of the



responsibility which attaches to their actions, it will become a positive blessing. Not to these only, but to the entire community—it opens a brilliant prospect of life, of life as it should be in this enlightened age, at this advanced period in the progress of the world. Upon the ruins of our present immature civilization it will uprear a charming state of society. Under the vivifying influences of this new system, mankind will be happy, perfectly happy; and until the auspicious day when the new order commences this “consummation so devoutly to be wished,” need not be anticipated. Throughout the world, or at least so much of it as is illumined by the sun of phrenology, perfect liberty will obtain, and the present generation will wonder at the darkness in which their ancestors groped. Justice will reign supreme, and our statute books will be no longer disgraced by those dreadful laws founded in ignorance, superstition, and cruelty, which consign a helpless and irresponsible man, criminal you call him, to the merciless hands of the executioner. It will then be clear as the noon-day sun, that law and liberty cannot exist, that they are natural enemies. Along with this knowledge will come a resolution to demolish the whole system of our jurisprudence, to cart off the rubbish, and substitute in place thereof a new, nobler, and higher civilization. Poor weak man will no longer be held accountable for his actions. The infirmities of his nature will become a recognised principle, that men are but men, will be known of all men. It will be understood that from the foundation of the world, it was determined, predestined, and fore-ordained that he should

act thus and thus, and that, therefore, he cannot be justly rewarded for any action however meritorious, nor punished for any crime, as we term it, how atrocious soever. Men will stand aghast that laws should have existed, and for so many ages, for afflicting a human being for actions, over which it is clear, according to the prisoner's counsel, he had no control—actions, in fact, which they were bound to perform, by an irresistible law of human nature. Then will it be seen that men commit murder, perpetrate rape, and apply the torch because they cannot help it. Gentlemen of the Jury, no line of argument would be shorter—I leave you to determine its soundness.”

“But to be serious,” said my father, who though cheerful in his disposition had a manner so tempered with gravity as to check the sallies of indecent levity, “I must refer, before closing, to the conduct of the prisoner's counsel, and remark that some speakers are more anxious to display their eloquence, than to promote the public good. Now, when this is the case, as I must charitably suppose it to be on this occasion, oratory is a useless gift, and such fine speeches as we have had to day are simply disgusting. When great talents are employed to support a bad cause, perhaps from selfish motives, (I trust and believe that this is not the case now), they are objects of universal contempt. Oratory, with all its pleasing charms becomes an instrument of mischief, when used by an unprincipled man, as, when resorted to by a good man, its happy influences almost exceeds belief. An orator who thus uses his talents, without reference to his personal

interests, if he do not succeed in his efforts, at least, enjoys self approbation, and that of his God."

In this manner my father threw the defence into ridicule and disrepute. His sound sense and keen sarcasm was too much for my brother's after dinner eloquence, and, from a brief consultation, the jury returned and delivered a verdict condemning the prisoner to the penitentiary for two years.

The Hon. David Fultz, of Staunton, recently Judge of the Circuit Superior Court of Augusta County, who was present on this occasion, told the writer twenty years ago, that he had never during his career at the bar been so much interested and amused by any trial as this. The disgust of my father at such a defence being set up, the elation of my brother, at the probable success of his ruse, the bewilderment of the court and jury, both of whom seemed lost in a fog, the suppressed merriment of the audience, which did not comprehend exactly all that was transpiring, but which to some extent entered into the fun, rendered the whole scene inimitable.

The reader must not fall into the error of supposing, because I have delayed thus far to recur to my brother's love affair, that he had lost his interest in Miss Taylor. Far from it. On his return from Yale, their friendship was renewed, and William gave less time to the study of Captain Williamson's art collection, wandered more on the banks of the purling streams which water the meadows above and below the town. In other words, made a tolerably fair division of his

time between Coke—Lyttleton, and his amiable friend. Of course in a small place these things could not long escape public attention, becoming food for gossips. Staunton was one of those retired communities, such as exist the world over, where everything is known and thin fictions flourish in wanton luxuriance. Mrs. Brown never had beef and carrots for dinner without the knowledge or “unbeknownt,” as the negroes said, to Mrs. Smith. The grocer never called at Mrs. Jones’ without the extravagance of that unlucky woman, who was supposed to be “gone in the head,” because she indulged in an extra quantity of rum and molasses, becoming the subject of interesting speculations among neighbours, as to how long her unfortunate husband could bear the drain upon his finances. It was a standing joke among the “conscript fathers” that in bygone days an individual had amassed a fortune in Staunton by attending to his *own business*. Something not likely to occur again was the doleful commentary upon modern degeneracy when people are wont to mind every body’s affairs but their own. The old ladies assembled almost daily to “sometimes counsel take and sometimes tea,” and nothing transpiring in the place was likely to escape their observation.

It must not be supposed because this is an accurate description of the town of my boyhood that it was worse than, or very unlike, other small communities. Far from it. I shall not, however, attempt any vindication or make any apologies for the place. *Que*

*s'excuse s'accuse.* The truth is, the residents were very pleasant after their fashion, and not more addicted to gossip than the rest of the world. As a rule they were much given to hospitality, and entertained strangers on the fat of the land. They were a little lethargic, somewhat like the dwellers in Sleepy Hollow, but stagnation in trade rendered the affairs of the social life all the brisker. Every now and then during term time, it enjoyed some weeks of festivity, but such seasons only occurred twice a year and Staunton had ample time to recruit her energies. From these periodical festivities she would relapse into placidity, and nodded on from month to month contentedly.

During the latter part of the month of Oct. 1828, a party of ladies, (there was only one gentleman present, Mr. Sam. Moore), I do not say old ladies, for one or two sweet seventeen's were in the room, were grouped around a table from which the hissing urn had just been removed. They were pulling, measuring, adjusting their work, and settling themselves down, after heavy potations of that friend to prattle and that foe to slumbers, for a cosey tittle-tattle. A jocund wood fire illumined the hearth and a brilliant light was diffused through the wainscoted room, from an ancient glass chandelier, suspended from the ceiling. Some good paintings lined the walls, and several small tables were loaded with glittering nick-nacks from all climes and countries. Much old china was disposed about the room, a little cracked if closely examined, many books, a pretty work box, a bird cage, and a great vase of

freshly gathered flowers, the early frosts had not yet withered these. Mr. Moore and the young ladies were engaged in a round game, and a fine King Charles dog and an Angora cat, after their diurnal squabbles, were peacefully sleeping side by side on the rug. This wainscoted apartment in which there was a ceaseless rustle of silky raiment, a shimmer of jewels, and a glitter of eyes brighter yet, was the drawing-room of a Staunton mansion. It stood in its own grounds, was innocent of stucco, lath or plaster, and was one of the finest pictures imaginable of the local respectability of former days. This was the "Blackburn House," though not then occupied by the family from which it took its name, but by Mrs. Lisle, one of the feminine "institutions" of the town.\*

Mrs. Lisle was the centre of a little coterie, the chief personages of which were now assembled around her. Every one knows the freemasonry that exists in such a set, and it is not without its social advantages. However much they trouble themselves with their neighbours' concerns, they have the good nature and tact to generally keep it to themselves. Among those present this evening was *Mrs. Bob Macdowell*,—a large, bony looking woman, with a turned-up nose and a pouting under lip, that expressed a sour contempt for all that she heard. The writer remembers

It is now, or was in 1859, the Episcopal parsonage, occupied by Rev. T. T. Castleman, M. A., Rector of Trinity Church. It has been plastered and white washed, the grounds stripped of trees, and the building stares at you with sharp, harsh, and stern, almost forbidding outlines, and is, thanks to modern architecture, the most uninviting looking of dwellings.

Mrs. Macdowell perfectly, for she survived this period many years, and she was a character, obstinate, opinionative, incredulous. She not unfrequently breakfasted on beefsteak and Albany ale, daily taking so many pints of that bitter liquid, which was imported into our community by the leading confectioner of the day, Merrill Cushing. Mrs. Macdowell was as unangelic in person as in her diet, dressed gorgeously, and indulged in masterly intrigues, polite hatreds, and a perpetual struggle with the little world of fashion around her. Having failed in a good fight she had waged since her widowhood against all wealthy widowers and bachelors, she had dropped to the rear, desperately wounded, but with life enough left to carry on a harrassing battle with humanity. She indulged in rouge, powder, and patches, and seemed to have far down in her heart the germ of an unlawful admiration for anything scandalous—not to say wicked. When listening to the gossip of her neighbours, she would sometimes exclaim with the affected modesty of a maiden of seventeen “Oh! how delicious, and so improper!” Another of the evening party was Mrs. Telfair, one of the strong-minded women of that day. There was also present Mrs. Blackburn and Mrs. Brown, both originals in their way and of many good qualities. Mrs. Lisle and her friends had been delightfully occupied with their small talk about two hours, during which they had pretty well discussed the affairs of the town, and, among the rumours of the hour, the approaching marriage of William Peyton and Miss Taylor. At the moment they were turning this delicious morsel over their

tongues, the door opened, and a shadow fell upon the table. Turning their eyes, they rose and greeted warmly a tall, strongly-built, straight-limbed, fresh-coloured, young man who entered, hat and cane in hand. This was William Peyton, of whom they had been speaking. He called at the instance of Mrs. Boys, to escort her sister, Mrs. Telfair, on her return home. There was no resisting the importunities of the ladies, and he took a seat and remained to sip a glass of mulled wine.

Now, at the moment this was going forward at Mrs. Lisle's, another scene, a festive scene was taking place in a different part of the town. In Augusta Street, at the corner of Court-House Alley, on the spot now (1873) occupied by the Augusta Law Offices, there stood in 1826, a long two-story frame building, called "The Bryan House." The boards on its sides, from long exposure to wind and weather, and to the action of the semitropical sun of a Virginian summer, were warped, curled, and bent, in a remarkable manner. Originally, when the boards had been smoothly arranged, the exterior of the Bryan House was not unhandsome—now it was horrible to behold. Long since, mischievous boys had shattered the glass of the basement windows, and the cats and dogs of the neighbourhood roamed at liberty through the subterranean vaults. The entire sashes of the dormer windows were gone, and two black holes, like eyeless sockets, stared at you from the roof. These ghost-like apertures, where there were no eyes, let in light upon an upper story as empty as any ever illuminated by visual organs. With two such unprom-



ising stories—the upper and lower—little can be expected from what remains to be described of the “Bryan House.” Yet there were two floors still habitable—at least to bachelors, who are generally expected to put up with slender accomodation, and these were known in the legal language of the town as attorney’s chambers. They were now occupied by two students of the law. One of these was the late Chapman Johnson, jun., who was at the moment, when William Peyton entered Mrs. Lisle’s parlour, sitting amongst a number of chosen friends, pipe in mouth, playing the violin.

Mr. Johnson was a musician out and out, *sons tous les rapports*. In fact, was so absorbed with music that he could not be separated from it : it was himself. He recalled the epitaph on the grave stone of the obscure Englishman, which records “One Claudius Philips, whose absolute contempt for riches, and inimitable performance on the violin, made him the admiration of all who knew him.”

Mr. Johnson, certainly from no unusual gravity in his manner there, was confessedly something antiquated in his appearance, had been called from his fifteenth year “Old Chap.” He was (for this dear old friend of my youth has been gathered to his fathers) a social, harmless, improvident, generous fellow. From his chambers there was ordinarily a sound of revelry by night. As may be imagined, he was personally popular, particularly among the younger portion of the community. Old Chap possessed more than social qualities, was a man of excellent abilities and sound

professional knowledge, yet his life had been a failure. No success attended his presence at the bar, nor when subsequently elected a member of the House of Delegates of Virginia did he add anything to his fame. His singular inefficiency was attributed to various causes. To my mind it seemed that he had never proposed to himself a certain aim in life and set forward steadily to attain it. Possibly, like many boys, he thought there was time enough, and grudged all that interfered with his pleasures ; that, unmindful of the wise maxim of the ancient poet, he was always "sowing his wild oats," did not renounce his gaieties at the proper time. *Nec luisse pudet, sed non incidere ludum.* It may be that he wanted the opportunity — Opportunity ! phantom goddess of success, that so few seize and make their own. And nothing is more true than the remark of the younger Pliny, "no man possesses genius so commanding as to be able to rise in the world, unless these means are afforded him : opportunity and a friend to promote his advancement." If it be true that hell is paved with good resolutions, may it not be roofed over with lost opportunities. "Old Chap" had relations at the bar in Virginia, who were, at the time of his coming forward, in good practice. Had one of these extended a helping hand to him at the critical moment, he would in all probability have become a shining light in the profession. All watched his sinking, no one offered to rescue the drowning man. He was allowed to waste his best years in vain waiting, at times

goaded by his pecuniary difficulties to desperation, and anon driven to despair. His selfish connections who pretended to be friends, but were his cruellest enemies—those who saw him fail and die of a broken heart—verily, they have their reward. But what is that reward? Not the smiles of heaven; nor the testimony of a good conscience; scarcely the praise of men. If the latter, has been their reward, let them enjoy it. Whether it was the meanness, the baseness of his so called friends—enemies he had none who dared to avow it—or his own idleness and indifference, which I do not believe, his life was nevertheless a failure, and this man of real legal learning, of fine logical mind and persuasive eloquence was wholly unsuccessful. No one knew exactly why. My father had his opinion upon the subject, and thought he fiddled away his time and leaned too much upon his relations. He said of Old Chap, in a moment of merriment, and no one was fonder of a good *jeu d'esprit* than John Howe Peyton—"Music is out of place in a court house. I never knew a fiddling lawyer to succeed, especially if nature designed him to play that useful, yet much despised, instrument, the "second fiddle," a good enough instrument for a duet, but one on which no successful solo was ever played."

But, to proceed with my narrative, Old Chap's friends were, on the night referred to, listening with rapt attention to the dulcet strains of music, and Paganini never called forth sweeter sounds. Now and

again they pledged him a health as they quaffed from a bowl of egg-nog. As the evening advanced they mellowed into the most delightful companionship. Such are the seductions, too, of this popular Virginian drink, that when they left off at eleven o'clock it was without exception with glowing faces and watery eyes. A few moments after this, William Peyton and his friend Moore, having conducted the party of ladies to their respective homes, were returning in the direction of the old stone house when they espied the lights in Old Chap's sitting room. As neither of them was disposed for sleep they determined to pay an unseasonable visit to their friend and indulge in a whiff of the calumet. Stumbling up the dark stairs, they entered without knocking. Here they saw Old Chap in the midst of his friends, his pipes, and bottles. The warm-hearted fellow greeted them cordially, and proceeded to fill two tumblers with egg-nog. After awhile they subsided into arm chairs, and continued their chit-chat, while one after another of the company dropped off, and the three were left alone. William Peyton then informed his friend of his approaching marriage and secured his services to attend upon him as "best man," when the nuptials were celebrated.

The friends sat an hour longer over this absorbing topic, indulging in occasional sallies of playful wit, puffing away at their meerschaums, and watching the smoke wreathing up to the ceiling. Young Peyton, and indeed Sam. Moore for the matter of that, though several years his senior, was drinking in worldly wisdom

from the lips of their venerable friend, as they called Old Chap, whom they esteemed the very guide-book to everything connected with matrimonial life. Why Old Chap was so considered it is not the easiest thing in the world to tell. Never had he made a trial in that direction himself, and more than once he had been heard to say rather dogmatically "*Mes enfants*"—he always spoke a little French after his egg-nog "*vous ne pouvez pas*," "wive and thrive."

But to cut my story short. In accordance with the announcement of this evening, William Peyton was married to Miss Taylor within a month of this time, in the year 1826. It may not be out of place to say here, what was proved by time, that they were well-mated and knew each other's worth; William ever thought that no wife surpassed his own; and she exulted in her husband—regarding him as her greatest earthly gift from God. Their union recalled the lines of Massinger:

"I know the sum of all that makes a man—a just man—happy,  
Consists in the well chosing of his wife;  
And then well to discharge it, does require  
Equality of years, of birth, of fortune;  
For beauty, being poor, and not cried up  
By birth or wealth, can truly mix with neither."

The little town broke out in an extravaganza of flags and flowers on the occasion of this wedding—everyone went in for pleasure with a will.

One of the landed estates my brother acquired by his wife, was the Hot Springs, in Bath county, Virginia—a property which was sold, by the by, in 1864, for three

hundred thousand dollars (£60,000). Shortly after his marriage he removed from Staunton to the Springs, where he passed three years. When leaving Pocahontas Court house, after the conflagration of his clients' bonds, in order to avoid any demonstration they might be disposed to make in his honour, it was to join his young wife at this Spa. She was then the happy mother of two lovely daughters, Elizabeth Thompson and Susan Madison.

While residing at the Hot Springs, the following incident occurred, and though some might consider it too trivial to be mentioned, is deemed not unworthy of being recorded in further illustration of his character. Among the intimate friends of his youth was a young gentleman still living, whom I shall call A. B. Young Alexander wished to marry an accomplished lady who was governess in his father's family. For several years, without the fact transpiring, he was her suitor and had proffered her marriage. The affair finally came to the knowledge of his father, who was greatly incensed, as is usual in such cases, and he determined, if possible, to break off the match. Old Mr. B. declared that if his son persisted in marrying one so much his inferior in social position and fortune, he would banish him for ever from his presence, cut him off with a shilling. Young A. B., who had no independent means, was greatly troubled at this opposition, and wrote to his friend Peyton, relating the circumstances of the case and asking his advice. My brother, in reply, said, among other things, that in

the conflict of duties, Alexander owed more to the lady than to his father, since he had secured her affections and pledged his honour to marry her ; that he owed it to himself, as well as to the young lady, to fulfil his engagement. He continued, "Her family is really only inferior to your own in wealth and the kind of position it gives—the opposition of your father is therefore selfish and unreasonable." Hence he advised him, to be constant to his engagement. "As soon as you are married," he continued, "come to my house and make it your home, until you are able from your legal practice to support your family. I will supply you with means in the interim, and will not accept payment, unless your father repents of his hasty decision, and permits you to share his property equally with his other children." Delighted with these sentiments and with the noble evidence of my brothers friendship, Alexander determined to act upon his advice. Before taking the final step, however, he thought it advisable to confer again with his father and show him the letter. Seeking his father's presence, he announced his resolution, declaring that it was absolutely necessary to his happiness and success in life. If he was disappointed in this matter, he felt he was wrecked ; had he anticipated his father's opposition, he would not have allowed his feelings to become so involved ; as it was, matters had gone too far for a retreat. He continued saying that his honour was implicated, not only in his own, but in the opinion of his best friends, that he had recently received from one

of these, William Peyton, whom his father had always held up to him as a model worthy of imitation, a letter going over the whole ground. He would leave this with him for perusal, and call the next day to ascertain what he thought of the advice it contained. It must be remembered that the affair had caused so much unpleasantness in Mr. B's. family, that Alexander was virtually banished from the paternal roof and was staying at the house of a relative in the neighbourhood. Two days after this interview he called on his father, and was greatly surprised and delighted to receive a friendly reception. The old man said he had never been more impressed than with the good sense and right feeling of William Peyton's views, that they had brought him back to his good sense and completely changed his mind. I no longer oppose, said he, your union with a woman who is worthy of you, simply because she is poor, one whom you love so tenderly, and who returns your affection. A wise man has said, continued Mr. B., that he who has one friend is fortunate and ought to be happy. You, my son have a true friend in William Peyton—cherish him. If I felt that you would be guided by his counsel and advice throughout life, I should have less regret in giving up the ghost. Promise me that you will at least always consult him when in trouble. His son was not slow in making this promise, and, receiving the blessing of his father, hastened to communicate the happy news to his affianced



bride. They were married soon after. Mr. and Mrs. B. survive, surrounded by a numerous offspring, the learned Mr. B. an ornament to his profession and an honour to his State. The dear friend, William Peyton, to whom they owe so much sleeps under the green sod, but his memory yet lives and is hallowed in the recollection of all those who knew him.

## CHAPTER VI.

FINDING, after a further residence of a year at the Hot Springs, that the climate was not good for his health, nor the society congenial to his tastes, he made sale of that valuable property to Dr. Samuel Goode, of Mecklenburg, receiving from him in part payment an extensive landed estate in Botetourt. Shortly after he removed to that county, which is situated in one of the most favoured agricultural sections of Virginia, and in a part of the country remarkable for its picturesque scenery, pure air, and cultivated society.

He resided there, with the exception of a few years spent on the tributaries of the Kenawha river, developing the wealth of his coal property almost down to the period of his death. He kept a large establishment, dispensing a generous hospitality, and was surrounded much of the time by the learned and accomplished gentlemen of the state. The charms and variety of his conversation, and the polite animation of his manners and address, made him the delight of

his guests and companions. In the county society of Botetourt and Roanoke, he soon became the chief object. All paid him that deference and respect which seemed due to his superior nature. Among the most noted in this society, all of whom the writer remembers to have seen at his dinners, were Edward Watts, James L. Woodville, Harry Bowyer, Charles Burrell, William Radford, Dr. John B. Taylor, Cary Breckenridge, Major Benjamin Howard Peyton, Governor Floyd, Hon. William B. Preston, General Robert Preston, Charles Beale, George Taylor, Alexander P. Eskridge, Colonel Edmondson, The Right Rev. Mr. Wilmer, Bishop of Georgia, Colonel Wm. Lynn Lewis, Major Oliver, Edward Valentine, J. R. Anderson, George Shanks, Dr. Griffeth, Thomas C. Read, and Mr. Langhorne

Some of these gentlemen, though residing in the adjoining county of Montgomery, were near enough to come on occasions of a dinner party. Among his guests from a distance, some of them making him an annual summer visit, were the late Governors of Virginia, General Campbell, James McDowell, James P. Preston and J. B. Floyd, the Honourables W. C. Rives, John M. Botts, Wm. L. Goggin, Wm. Taylor, Alexr. Rives, Thomas W. Gilmer, Thomas Jefferson Randolph, Messrs. Chas. L. Mosby, William Radford, James E. Bruce, Vincent Witcher, Thos. W. Flornoy, Dabney C. T. Davis, John Howard, James P. Halcombe, Walter Preston, James Lyons, Charles Carter Lee, General Brenard Peyton, Randolph Harrison, Colonel A. S.

Gray, Revd. Peyton Harrison, all choice spirits. The reader already knows what a polished man was Colonel Peyton, and will not wonder at the admirable skill with which he played the part of host—a part so difficult to sustain. At that early period of my life, when I had a seat at his table (and he always insisted on my being present on every occasion of a dinner party), I was struck and delighted at the ease with which he dissipated the constraint and reserve which usually prevail during a formal dinner. He addressed his guests alternately speaking to each concerning those subjects upon which he could expect a ready answer, and by a kind of intuition elicited from each the qualities in which he most excelled. Gentlemen sought his society for the pleasure and improvement to be derived from his conversation, to consult him upon State or Federal politics, and not to “banquet and drain the bowl.” The scenes at his house recalled to my mind Florence and those merchant statesmen and munificent patrons of learning, the Medici.\*

\* In 1453, Constantinople was taken by the Turks. Its walls had sustained the fortunes of the Eastern Empire nearly 1000 years; that Empire now fell. The news of this event spread terror throughout Europe, nevertheless it proved to be among the things which “work together for good to them that love God.” All that could escape, fled before the conquering Ottomans, and carried westward all they could save of the accumulated treasure of Greece; and the outcast were gladly received at Florence, which was at that time the resort of all who had a taste for learning and the arts. Cosmo de Medici, who had no hereditary nobility to boast, had risen to the highest place of authority in the State; his family had commercial establishments in all the chief cities of Europe, and the wealth thus acquired he shared with the poorest of his fellow citizens, and expended in improving his city, supporting learned men, and collecting all kinds of literary treasures; large numbers of persons were engaged in the costly and tedious labour of transcribing MSS, which were so highly valued that a copy of Livy, sent by Cosmo to the King of Naples, was the means of healing a breach between them.

Had the condition of the country admitted of it, his home would have been surrounded by the learned, as was the Tuscan Capital when the Turks scattered the wise men of the Lower Empire, who took refuge thither, yet he was not a pedant, but what our fathers used to call an elegant scholar. His company and manner of life recalled to mind the life of Lord Falkland, of whom Clarendon thus speaks, "His house being within little more than ten miles from Oxford, he contracted familiarity and friendship with the most polite and accurate men of that University, who found such an immenseness of wit, and such a solidity of judgment in him, so infinite a fancy, bound in by a most logical ratiocination, such a vast knowledge, that he was not ignorant in any thing, yet such an excessive humility as if he had known nothing, that they frequently resorted and dwelt with him, as in a college situated in a purer air, so that his house was a University in a less volume, whither they came, not so much for repose as study, and to examine and refine those grosser propensities which laziness and consent made current in vulgar conversation."

The universality of his learning, its accuracy, and the manner in which he discoursed upon even professional topics recalled the lines of Henry:

Hear him but reason in divinity,  
And, all-admiring, with an inward wish  
You would desire (he) were made a prelate.  
Hear him debate of commonwealth's affairs,  
You would say,—it has been all and all his study.  
List his discourse of war, and you shall hear

A fearful battle rendered you in music;  
 Turn him to any cause of policy,  
 The Gordian Knot of it he will unloose  
 Familiar as his garter; that when he speaks,  
 The air, a chartered libertine, is still,  
 And the mute wonder lurketh in men's ears,  
 To steal his sweet and honeyed sentences.

Much of the happiness, indeed, of his life was derived from the companionship of his friends, from indulging in this most grateful tie of human society; to him to have lived without friends, would have been not to live. A maxim which cannot be understood by those, who, entirely devoid of regard for others, have no friends and do not deserve to have any, because they only live for and love themselves.

His mansion was like so many others in Virginia, timber-built, and though altogether an extensive edifice was composed of many disjointed parts. These separate buildings were connected by halls and verandahs, which gave a picturesque appearance to the exterior, while protecting it from the sun, wind, and rain. The rooms were spacious and furnished with all the riches of the Eastern world, nor was there anything in the embellishment of the house, the furniture, or articles of vertu like ostentatious display—the arrangements were such that the idea suggested by the *tout ensemble* was that of classic grace. It was replete with not only every comfort, but, indeed, every luxury, and surrounded by park-like grounds, which were improved with exquisite taste, and yet so consummate was the art by which it was done, that the hand of man was unseen, and it appeared but nature's work.

M

Shaded by noble trees and intricate bowers, enamelled with flowers and all kinds of herbs and plants, which basked in the sunshine of the slopes or bloomed in the dark vales, ornamented with water which sparkled in the light and glided away with refreshing sound, the whole aspect of the scene was enchanting.

To this house he brought his extensive collection of books, paintings, prints, medals, coins, statues, china etc.,\* and when not surrounded by society or engaged in superintending the affairs of his estate, was either occupied with these objects of art and curiosity or in composing essays on some moral, philosophical, scientific or practical subject. Some of these on agricultural chemistry and its application to the growing of crops were published in the "Southern Planter," of Richmond, and the "Farmers Register."†

In one series he discussed the question of rust in wheat, and demonstrated the unsoundness of the popular theory upon the subject, at the same time putting forth his own views to the effect that it was due to an exuberant growth of straw, stimulated by repeated showers of rain followed by very warm weather immediately

\* This valuable and *recherche* collection, the costly furniture, heirlooms, etc., which survived the civil war, was burnt with Colonel Peyton's mansion, in May, 1870.

† The latter was edited by the late Edmund Ruffin author of an interesting essay on Calcareous Manures, who fired the first shot against Fort Sumter, S. C., thus opening the civil war of 1861-65 in the U. S. Mr. Ruffin committed suicide in 1865, when seventy years of age, unable to bear up under the subjugation of the south. He thus proved that he wanted true magnanimity, for it shows the most exalted courage to support the accumulated ills of life without despondency.

preceding the time of harvest, a theory which is now almost universally accepted as correct. Of course, his attack on the popular theory was not allowed to pass unnoticed and a warm discussion arose in the Register, between him and *Mr. Jessie Turner*, a successful planter and agricultural chemist.

His time was further occupied in a series of kindly actions. His wealth was dispensed with an unsparing hand. As magistrate for the county, and sitting regularly at the Quarter Sessions, he had opportunities of knowing the business and affairs of the county and thus becoming acquainted with many real cases of want. These—for his generosity was judicious not indiscriminate—he invariably relieved. Honest tradesmen, whose operations were restricted by lack of means, were assisted by him. He paid the debts of prisoners and set them free to labour for the support often of dependent families, relieved the distress of poor widows and orphans, and redressed, whenever an opportunity presented, the wrongs of the oppressed. Numberless were the quiet obscure distresses he thus succoured. He did not merely understand what was good, but practised it.

From these remarks the reader will not be surprised to learn that he enjoyed great popularity, and that the people of Botetourt were anxious to give form and substance to their appreciation of his merits by securing his services in the public councils.

This remote section of Virginia was almost wholly without public improvements. There were no navigable



streams, no canals, no railways, no macadamized turnpike roads. People were virtually imprisoned, except during the summer. In winter the roads were almost impassable, and it was a common thing to see the four-horse mail coach floundering in the mud, the passengers walking in the fields, taking it by turns to carry *a rail*.\*.

The people of eastern Virginia, whom the beneficent author of nature had supplied with many navigable streams, and a porous, sandy soil, which drinks up rain, leaving the roads firm and smooth, were unwilling to vote funds from the State Treasury for constructing high ways in the transmountain country. By this ungenerous conduct they had kept the western counties unimproved for upwards of a century. To break down this selfish policy and inaugurate a more liberal and generous system of internal improvements, had long been the cherished object of the western people. They had sent to the legislature, from time to time, their ablest men, hoping to succeed through their efforts in securing a system of general state improvement out of a common fund, for the common good. Among the able men, west of the Blue Ridge, whom they elected with this view, were Robert Y. Conrad, James M. Mason, General Briscoe, G. Baldwin, Thomas J. Michie, George W. Summers, Robt. Trigg, Benjamin Smith, Gov. J. P. Preston, General Samuel Blackburne, and J. W. Brokenborough. Their efforts

\*A rifled log or long piece of split timber used as a lever to raise the coach wheels out of ruts and mud holes.

were futile, and many amusing caricatures were circulated to mislead the people in Eastern Virginia. At one time it was said that the object of Western Virginia was to remove the capital from Richmond to Staunton, and this rumour contributed to band the people of the east against schemes of western improvement.

The inhabitants of western Virginia were daily becoming more anxious on the subject, and more determined, if possible, to secure such an extension of railroads and canals from the east, as would open the markets of the sea-board, and of the world, to the products of their soil of teeming fertility. Though long defeated in their enlightened policy, they were still active and sanguine of ultimate success. As indispensable to their ends, it was now thought necessary to secure the services of their ablest citizens in the General Assembly. With this view, the voters of Botetourt, wished to avail themselves of the talents and influence of their friend and neighbour, Colonel William Madison Peyton.

Accordingly, during the winter and spring of 1838, he received numerous signed requisitions from the principal inhabitants of the county, requesting that he would allow them to present him at the forthcoming spring election as a candidate for a seat in the House of Delegates. After much reflection—for he had no taste for politics—and the urgent appeals of his friends, he acceded to their wishes and in the month of May, proceeded in company with the late Mr. Shanks of Fincastle, to canvass the county. Party spirit ran high,

and the opposition faction were early in the field with two of their best men. Appointments were made for public meetings, and at these the rival candidates appeared and addressed the masses in what are called "stump speeches." It was agreed on all sides that Col. Peyton's efforts during this canvass were the finest specimens of popular oratory which had been heard in Virginia since the days of Henry. His colleague, Mr. Shanks, surrendered the rostrum almost entirely to him, and everywhere he aroused the utmost enthusiasm, resuming his seat at the end of each speech in the midst of a storm and diapason of applause. Indeed, to use a strong phrase, he made "short work of his opponents," who retired from these intellectual contests completely discomfited—entirely routed. It is scarcely necessary to add, what the reader will already have anticipated, that he was returned, with his friend Mr. Shanks, at the head of the poll, by what is called in our electioneering language, a triumphant majority. Upon the opening of the next session of the General Assembly, he took his seat, and the reader will see with what success he advocated the cause of western Virginia as a claimant for internal improvements. It may not be uninteresting to mention that at the same session our venerable father occupied a seat in the Upper House as senator for *Augusta and Rockbridge*. For the movement in behalf of and against a general system of internal improvements was general—the people of both sections calling from retirement their wisest and best men. In this crisis the voters of Augusta and Rockbridge urged our father to sur-

render his office of Public Prosecutor, which he had held nearly thirty years with so much honour to himself, and so much benefit to the public. He did so, reluctantly, and was elected senator. For a like reason they sent to the House of Delegates at this session, or within the next few years, his life-long friend and associate at the bar that able jurist and excellent man, Briscoe G. Baldwin, who was some years later elevated to the Supreme Court of Appeals of Virginia; Alexander H. H. Stuart, subsequently Secretary of the Interior; George W. Summers, of Kenawha, and others. The people of the eastern counties at the same period electing their ablest statesmen, such as Robert E. Scott, V. W. Southall, William Daniel, Oscar M. Crutchfield, etc.

One of the first duties of this assembly was the election of a U.S. senator. The conservative party presented Mr. W. C. Rives as their candidate. That gentleman had served several times in congress, and resided abroad four years as Minister Plenipotentiary to the Court of the Tuileries. In both positions he displayed much skill and ability. By some of the leaders of the Conservative party, he was mentioned as a suitable successor to Martin Van Buren in the Presidency. No means, therefore, were likely to be neglected by his opponents for his defeat. By preventing his election to the senate, the radicals hoped to outflank him in the Presidential contest. Canvassing had proceeded in Richmond with more than the usual animation several weeks, yet it was impossible to forecast the result.

William Peyton was an active friend and supporter of Mr. Rives; they belonged, of course, to the same party, and he inherited a friendship for him from our father, which had been cemented by much personal intercourse. Besides, Mr. Rives had placed William under obligation in the following manner. At the period, (years before this time), when Mr. Rives was appointed by the President, (Jackson,) Minister Plenipotentiary to France, he nominated his young friend, Peyton, as Secretary of Legation. Private and personal reasons induced Peyton to decline the appointment, but he always entertained a grateful sense of the high distinction conferred upon him. To his conscientious conviction, therefore, that the good of his party, and in some measure the welfare of his country, depended upon Mr. Rives' return, which stimulated his zeal, he brought his warm feelings of personal friendship to bear in the contest, and spared no effort to secure the success of his friend.

The veteran leaders of the party in the assembly, witnessing with admiration his zeal and the success with which he laboured, determined in private, the night before the election, that his should be the honour of nominating Mr. Rives. The position is somewhat similar to that in the British Parliament of confiding to the two most rising of the younger members of the Government party the duty of moving and seconding the address to the Sovereign.

Accordingly, upon the next day, the 14th of February, 1839, when the House was assembled, and Mr. Speaker

in the chair, Colonel Peyton rose and made his nominating speech.

It was published in the daily papers and in pamphlet form, but the author has not been able to procure a copy, notwithstanding repeated efforts to do so through correspondence with friends in America. It was considered the most eloquent of his parliamentary utterances.

Mr. Rives' nomination was seconded by Hon. J. S. Pendleton, late M.C. for Virginia, who opened his speech with a high compliment to Colonel Peyton upon the elegant and eloquent manner in which he had presented Mr. Rives claims to the Assembly.

After a warm contest it was found impossible to elect Mr. Rives, whose public course had offended the prejudices of certain sections of the party. All eyes were then turned to our venerable father, who, having made one sacrifice in giving up a lucrative office to enter the Assembly, was expected to make another by going to Washington for six years at his advanced age. He, however, feeling his great weight of years, peremptorily declined under any circumstances to allow the use of his name. The party then held a conference and determined to elect my brother, who had offended nobody, and whose election, had he consented, was beyond a doubt. He, too, firmly refused to accept the candidature or station, because he was unwilling to interpose between his friend Mr. Rives and the object of his ambition. No other available candidate being within reach, from necessity, and by common consent, the election was postponed until the following session.

Exciting rumours were afloat this winter of a serious difficulty between Great Britain and the United States on the subject of the Oregon boundary line, in fact the sovereignty of the whole territory was in dispute. Both Great Britain and Spain had, as early as 1789, set up a claim to this extensive region, but, as the United States Government considered, on vague and unsatisfactory grounds. The American Government claimed it by reason of the discovery and exploration of two distinguished American pioneers, Lewis and Clarke. The citizens of the Republic had so long been accustomed to deem it their own, and so many of their children had settled in it under this conviction, that no Government would dare surrender it without a war. As England refused to allow the American claim, there seemed no peaceable way out of the difficulty. Hostilities with Mexico were also threatening, owing to the revolt of Texas and the aid she had received from American citizens. The Governors of the different States were apprized of the delicate nature of the Government's foreign relations, and ordered to organize the State forces, with a view to placing in the field, at short notice, two invading armies—one to advance on the city of Mexico from Vera Cruz and the river Sabine, and the other to converge on Quebec from different points on our northern frontier. At this juncture, Governor Campbell, of Virginia, a distinguished survivor of the war of 1812-15, appointed William Madison Peyton to a post on his staff, with the rank of Colonel

of Cavalry. He informed Colonel Peyton that he did this with a direct view to the impending war with Great Britain, Mexico, and their allies, and because of his perfect confidence in his judgment as an adviser, and in his gallantry, which had been made conspicuous on more than one occasion since his encounter with Van Bibber. Colonel Peyton immediately accepted the position.

During this session of the legislature, the county of Botetourt was divided, and a new county formed of that portion lying south of a line drawn east and west through the suburbs of the village of New Amsterdam, which was called Roanoke. Colonel Peyton's home was in the new county.

To those whose attention was directed to the career of Colonel Peyton in the legislature, it was evident from his course during this session that he brought into the political arena all his high intellectual qualities, and all the grandeur and heroism of his character. He was soon the object of everyone's confidence, it might almost be said of everyone's veneration. About him he carried that priceless talisman, the magic of exalted moral character; he was trusted by the members from eastern Virginia, confided in by those from the north-west, and looked up to by those from the valley and south-west, and is believed to have been more completely the confidant of the whole political secrets connected with the movements of that time than any other man. All-worthy, too, was he of the trust reposed in him! His heart was the temple of honour, which nothing selfish or unjust could approach.





When it was ascertained that, owing to the division of parties, no election of senator could take place during this session of the General Assembly, a committee was appointed, at the head of which Colonel Peyton was placed, to prepare an address on behalf of the conservative party to the people of Virginia. This gave rise to the following document from his pen, which was widely circulated throughout the Commonwealth:—

TO THE PEOPLE OF VIRGINIA.\*

*Fellow citizens:*—The term of service of one of the senators of this State, in the senate of the United States, expired on the 4th day of this month. In contemplation of this event, the duty devolved upon the present General Assembly, under the Constitution, to elect his successor. Hon. William C. Rives was the incumbent, and was put in nomination for re-election; and the undersigned adhered to his support with constancy and zeal. A struggle, unexampled in the history of Virginia, for its duration, and the pertinacity with which the advocates of the several candidates adhered to them, continued until it was believed impossible to make an election; and after consuming seven days in fruitless balloting, the order was indefinitely postponed.

As it is determined by all parties, that this subject shall not be disturbed during the present session, the duty of supplying the vacancy will devolve upon the next General Assembly, and thus, in an especial manner, it is necessarily and directly referred to the people. Under these circumstances it seems to us, that propriety dictates a full and candid exposition of the motives

\* This address and all the speeches and published letters of Colonel Peyton, engrafted in this work, are in the library of the British Museum, as they originally appeared in Richmond.

and feelings which have influenced *us*, during the late exciting contest, and which will govern our future course. While we did not desire to avoid that share of the responsibility of making the election, which rested upon us as a constituent portion of the legislature upon which that duty devolves, we at the same time wish to be distinctly understood, as not in the least deprecating that appeal to the sovereign authority of the popular will which has been produced by the extraordinary state of parties and opinions in the legislature. Indeed, the only source of regret on that score is, that this appeal cannot be made more absolute and complete. The House of Delegates, where the re-election of Mr. Rives was repeatedly sustained by a decided plurality, is subjected to the ordeal of the popular suffrage every year, whereas the Senate is only renewed every four years, and three-fourths of that body, by its organization are removed for the present, from responsibility for any disregard of the popular will, which they may have committed in the Senatorial election. That those Conservatives who were members of the Senate had no disposition to abuse that immunity, is sufficiently evinced by the fact that when it was proposed, in an early stage of the contest, to postpone the election, indefinitely, an amendment was moved and voted for by them, annexing as a condition, that each Senator should resign at the end of the session, and thus put it in the power of the people to elect a Legislature which would fully reflect their wishes. Had this obtained, there would, in that event, have been no danger that the action of the representatives "fresh from the people" would be "check-mated" by a body removed measurably from their control and who might safely bid defiance to their wishes. This proposition, however, was voted down, and even by some of those who most strenuously urged the propriety and duty of waiting for "new lights from the people," before

venturing to perform the high and responsible duty of electing a Senator.

We do not mean to indulge any complaint that the election has been postponed. Some of us at last voted for it, from a conviction that it had been demonstrated that the legislature was so constituted as to render it impossible for a majority to agree upon any individual. Claiming for ourselves to have acted according to our honest and conscientious convictions of duty, in refusing to be accessory directly or indirectly, to the defeat of Mr. Rives, we have no disposition, even if we had the right to question, and do not mean to censure the conduct of any one who refused to co-operate with us in supporting him. Recognizing freely and fully our own responsibility to our constituents and to public opinion, we refer others to the same great tribunals, and leave them to justify themselves as they may.

Our main object in this address is, to present to our constituents and to the country our own reasons for the course we have felt it to be our duty to take, and we shall await their judgment with the calm serenity of conscious rectitude. We have no desire to abate one jot or tittle of the full weight of responsibility which we have assumed. It was repeatedly in our power, during the progress of the election, by abandoning Mr. Rives, and by throwing our votes upon John Y. Mason or Chapman Johnson, to have elected either one of them. We could not, however, reconcile it with our sense of duty to do so, and whatever of credit or blame attaches to us we are willing and ready to enjoy or suffer it all. It is, however, unquestionably true, and we beg it will be borne in mind, that the friends of the other nominees stand precisely in the same predicament. The friends of Mr. Mason could at any moment have decided the contest in favour of Mr. Rives or Mr.

Johnson, as the friends of the latter could at any time have decided it by voting for Mr. Rives or Mr. Mason\*.

We acted in this matter with due deliberation, taking every step candidly and dispassionately, and now plead our justification, and put "ourselves on the country." Seeing that the large body of the Administration party, with which we had heretofore acted, were determined to withdraw their confidence from Mr. Rives, and willing, and even desirous to co-operate with them, so far as we could, without an abandonment of principle and duty, we anxiously sought to know upon what grounds those professing the principles of the Republican party, and determined to sustain the character of this 'Ancient Commonwealth' could aid in surrendering up our distinguished Senator, as a victim to be sacrificed on what was called in debate the altar of the bloody Moloch of party. But we appealed in vain—no act could be instanced which forfeited his claims to Republican orthodoxy. We very soon became convinced that no just reason existed for the fury and rancour with which he was assailed by the "sink or swim" oracles of the Administration party on the one hand, or by the intolerant leaders of the Impracticable squad that attacked him from the opposite quarter.

It will be recollected that scarcely three years have elapsed since Mr. Rives was recalled to the Senate of the United States, by that party in the Legislature and out of it, who are now so industriously plotting his downfall. We would respectfully ask them, what just expectation has he not fulfilled? What principle, that he ever professed, has he deserted? What pledge, expressed or implied, has he violated? Not one, no, not one. He has not failed to represent the opinions

\* It will not be denied, that if those members of the legislature, who were either elected on account of their declared preference of Mr. R., or under distinct pledges to sustain him, had redeemed the expectations thus created, the election must have been promptly decided in his favour.